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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,863	11/15/2001	Ivan J. Leichtling	212630	4785
45979	7590	06/05/2006	EXAMINER	
PERKINS COIE LLP/MSFT			EDOUARD, PATRICK NESTOR	
P. O. BOX 1247				
SEATTLE, WA 98111-1247			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/002,863	<b>Applicant(s)</b> LEICHTLING ET AL.	
	<b>Examiner</b> Patrick N. Edouard	<b>Art Unit</b> 2626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 AND 14-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

DETAILED ACTION

1. This Office Action is in response to communication filed 03/06/2006. Claims 1-12 and 14-25 are pending. Claims 13 and 26 are canceled.

Response to Arguments

2. Applicant's arguments with respect to claims 1-12 and 14-25 have been considered but are moot in view of the new ground(s) of rejection.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-9, 12, 14-15, 17-22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff et al (6,301,2580) and further in view of Scott (US Patent 6,665,317). Regarding claims 1 and 14, Katseff et al. disclose a method for buffering packets of audio data to reduce jitter, the audio data including a plurality of bursts separated by silence, the method comprising the steps of:

adding at a receiving endpoint incoming packets of audio data to a buffer (figure 1, his buffer 129, col. 4, lines 38-66);

detecting at the receiving endpoint when the buffer contains an amount of audio data which matches a predetermined threshold amount (col. 5, lines 40-50), and

upon detecting that the buffer contains an amount of audio data which matches a predetermined threshold, playing at the receiving endpoint the audio data contained in the buffer (col. 4, lines 62-67- col. 5, lines 1-5);

detecting at the receiving endpoint when a burst has ended (col. 6, lines 21-33); and upon detecting that a burst has ended, at the receiving endpoint, playing the audio data contained in the buffer (col. 6, lines 44-65); and

determining the amount of jitter accumulated in the last burst (col. 7, lines section 3, Dynamic Buffer sizing, col. 7, lines 23-67).

It is noted that Katseff et al. teaches the claimed invention but does not explicitly teach: waiting for a silent period based on the amount of accumulated jitter before playing subsequent bursts. However, this feature is well known in the art as evidenced Scott does disclose determining the amount of jitter accumulated in the last burst (calculating jitter buffer size, Col. 7, Lines 47-50), and waiting for a silent period based on the amount of accumulated jitter before playing subsequent bursts (inserting silence packet based on the jitter buffer size and playing second burst accordingly, Col. 7, Lines 47-65, see bursts and inserted silence packet in Fig. 13). Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to modify the teaching of Katseff with waiting for a silent period based on the amount of accumulated jitter before playing subsequent bursts, as disclosed by Scott, in order to manage the jitter buffer in a way as to maintain the outputted traffic continuous, and maintain the quality

and coherency of the voice data being outputted, as further disclosed by Scott (Col. 7, Line 66 - Col. 8, Line 4).

As pre claim 2 and 15, Katseff et al teach wherein each of said burst includes an end packet, wherein the step of detecting ...an end packet (col. 2, lines 31-41).

As per claim 4 and 17, Katseff et al teach periodically adjusting the threshold (col. 6, line 20+).

As per claims 5 and 18, Katseff et al teach: periodically measuring a length of a burst; and resetting the threshold...measured burst (col. 6, lines 20+).

As per claims 6 and 19, Katseff et al teach:  
measuring respective jitter times...jitter amount (col. 8, lines 32+)

Calculating an adjusted threshold time as a factor...during a subsequent sampling period (figure 6b, col. 8, lines 32+).

Regarding claims 8, 9, 12, 22 and 25, Katseff et al. disclose each sampling period is a predetermined period of time (figure 6c, col. 8, lines 64 to col. 9, lines 21).

5. Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff et al (6,301,258) in view of Scott (US Patent 6,665,317) and further in view of Anandakumar et al. (US Patent 6,801,532).

Regarding claims 3 and 16, the combined teachings of Katseff et al with Scott does not explicitly disclose wherein each end packet includes an end flag. However, this feature is well known in the art as evidenced by Anandakumar et al. who disclose each end packet includes an end flag (talk spurt flag or silence flag, Col. 50, Lines 49-54).

Therefore it would have been obvious to one ordinarily skilled in the art at

The time of the invention to supplement the combined teachings of Katseff and Scott with having each end packet include an end flag as taught by Anandakumar et al. in order to facilitate the buffering process by positively identifying speech packets.

6. Claims 10-11 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff in view of Scott (US Patent 6,665,317), and further in view of Orleth et al (US Patent 5,872,789).

Regarding claims 10 and 23, the combined teachings Katseff and Scott do not explicitly disclose, but Orleth et al do disclose determining an average jitter time between at least some of the packets in the sample period (Col. 1, Lines 47-57), the adjusted threshold time equaling at least the average jitter time (cells are read at the average value of the jitter that has occurred, Col. 2, Lines 37-43). Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the combined teachings of Katseff and Scott with determining an average jitter time between at least some of the packets in the sample period and the adjusted threshold time equaling at least the average jitter time, as taught by Orleth et al., since Orleth et al. teach that processing the packets in this manner reduces jitter (Col. 1, Lines 55-56).

Regarding claims 11 and 24, the combined teachings of Orleth et al do teach the adjusted threshold time equals more than the average jitter time (correction quantity is added to the average result, Col. 2, Lines 4-9).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick N. Edouard whose telephone number is 7033086725. The examiner can normally be reached on M-TH 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571 272 7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PNE

*PNE*  
*Primary Examiner*